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Cathi H. Turner
Date of Signature

Cathi H. Turner
November 15, 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dace et al.

Group Art Unit: 1639

Serial No.: 09/879,279

Examiner: Epperson, Jon D.

Filed: June 12, 2001

Docket No.: 1392/18/2

Confirmation No.: 3524

For: IN VITRO CAPTURE OF NUCLEIC ACIDS VIA MODIFIED OLIGONUCLEOTIDES AND MAGNETIC BEADS

* * * * *

DECLARATION PURSUANT TO 37 C.F.R. § 1.131

Commissioner for Patents
Washington, D.C. 20231

Sir:

1. I, Gayle Dace, am a co-inventor of the invention disclosed and claimed in the subject above captioned U.S. Patent Application Serial No. 09/879,279.
2. I have had the opportunity to review the Official Action mailed on July 13, 2004 from the U.S. Patent and Trademark Office for the above-referenced U.S. patent application.
3. I have also reviewed the following documents cited by the United States Patent and Trademark Office in the Official Action mailed on July 13, 2004:

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Serial No.: 09/879,279

- (a) U.S. Published Patent Application No. 2003/0077609 A1 (the '609 application), claiming priority to U.S. Provisional Patent Application No. 60/278,598; and
 - (b) U.S. Provisional Patent Application No. 60/278,598 (the '598 Application).
4. The invention embodied in claims 1-8, 11-24 and 31 of the subject U.S. patent application was invented prior to the earliest claimed priority date of March 25, 2001 of the '609 and '598 applications.
5. Attached hereto as **Exhibit A** is a true and accurate copy of consecutively numbered laboratory notebook pages documenting experiments performed involving the subject matter embodied in the pending claims, which pages are signed by me and a witness. Exhibit A provides evidence of the subject matter recited in the pending claims and predates the earliest claimed priority date of March 25, 2001 of the '609 and '598 applications.

I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

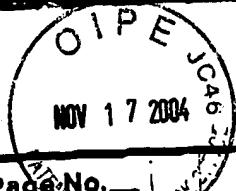
Date: 10/13/04

By:

Gayle Dace, M.S.

Gayle Dace, M.S.

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Project No. _____
Book No. _____TITLE new LNA oligo

From Page No. _____

77 FAD 10/04

Sample ID	Net Abs 230.0nm	Net Abs 260.0nm	Net Abs 280.0nm	260.0 / 230.0	260.0 / 280.0	Dil Fact.	Conc.
TORREY1	0.1416	0.4132	0.2326	2.91867	1.77598	1.0000	413.1621
2	0.1436	0.4207	0.2366	2.93037	1.77819	1.0000	420.7299
TORREY2	0.0381	0.1470	0.0560	3.86056	2.62547	1.0000	146.9856
4	0.0457	0.1498	0.0586	3.27741	2.55746	1.0000	149.8367

IDO Number (Oligo ID)	Sequence	ODs (260 nm)	Anion Exchange Chromatography Results	Other Information
3985 Torrey-1	5'-BIOTIN-dGTT dGTT dGTT dGTT -3'	11.5	94.1 % 22 + 44 - 64% base	56°C - 80°C
3986 Torrey-2	5'-BIOTIN-GTG TGT GTG TGT-3'	3.5	96.1 % oligo 5 Tm + 3.8% base - 80°C 36	72°C

1 ug non-linear Tomato DNA / 1 ug linear Tomato DNA
 1.8 μl 265 ng Oligo Torrey-2 1.8 μl 265 ng Oligo 2
 Buffer F ^{library}
1.8 μl 265 ng Oligo Torrey-2 ^{Torrey}
Buffer F

80°C
45 min

1 ug non-linear Tomato lib / 1 ug linear Tomato library
 75 ng oligo 2 ^{library}
 Buffer C ^{Torrey 2}
75 ng oligo 2
Buffer C

To Page N

Witnessed & Understood by me,

R. A. O.

Date

Invented by

Recorded by

Date

LNA capture that worked

Job No. _____

EN

FL

PATIENT
MM 7/2006

2.5 μ l non-linear library
 1.8 μ l Torrey 2 LNA
 45.7 μ l Buffer F
50 μ l
 few colonies

3rd linear library
 1.8 μ l
 45.2 μ l
 50 μ l
 no colonies

76.4 ml

50T

2.5 μ l non-linear library
 2.6 μ l Torrey 2 LNA (0.5 μ l)
 54.9 μ l Buffer C
60 μ l

3 μ l linear library
 2.6 μ l
 54.4 μ l
60 μ l

many colonies

88°C for 50 min

no colonies

90°C in 150 μ l Buffer E - 20 min

EtoH not bring up to 350 μ l
 today up in 100 μ l TE
 purify with PCR kit

WORKED

T2 NCO1 plate

complete protocol on p 150

OK

To Page No. _____

seen & Understood by me,

Bentle

Date

Invented by

Syle Isa

Date

Recorded by

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